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By   
Eric J. Maldonado

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Attorney Docket No. NEKU 19.296 (100806-00072)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Mikio ODA, et al.  
Serial No.: 10/028,238  
Filed: December 21, 2001  
Title: OPTICAL PATH CONTROL...  
Examiner: Jessica T. Stultz  
Art Unit: 2873  
Con. No.: 3180

April 28, 2004

Director of the U.S. Patent and  
Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

S I R:

In order to comply with discretionary rules 37 CFR §§1.97 and 1.98, attached hereto is a copy of Form PTO-1449 and a copy of the documents listed thereon. This document contains information in which the Examiner may consider to be important in deciding whether to issue a patent in the instant application.

Also attached is a copy of a Canadian Office Action dated March 19, 2004 from the corresponding Canadian Patent Application. All of the documents listed in Form PTO-1449 appear in the Canadian Office Action.

For documents written in a language other than English, English language abstracts are annexed thereto explaining relevancy in accordance with 37 CFR §1.98 (a)(3).

Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement, so no fee is due.

The present Information Disclosure Statement is being submitted in compliance with 37 §CFR 1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104 (a), and in the course of such search will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is respectfully solicited.

**Any fee due with this paper may be charged on Deposit Account 50-1290.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael I. Markowitz", is written over a horizontal line.

Michael I. Markowitz

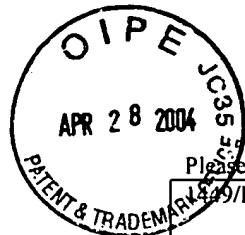
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Docket No.: NEKU 19.296 (100806-00072)



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1449/PTO

U.S. Department of Commerce  
Patent and Trademark Office

Application No. : 10/028,238

Filing Date : December 21, 2001

First Named Inventor: M. ODA

Group Art Unit : 2873

Examiner Name : J.T. STULTZ

Attorney Docket No. : NEKU 19.296

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet 1 of 1

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document	Kind Code if known <sup>2</sup>	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns Lines Where Relevant Passages or Relevant Figures Appear
		6,075,239		AKSYUK, et al.	06/13/2000	

### FOREIGN DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document Office <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Country	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YY/Y	Pages, Columns Lines Where Relevant Passages or Relevant Figures Appear
		2 299 832	CA	JAPAN AVIATION ELECTRONICS INDUSTRY LIMITED	09/04/2000	
		2,288,920	CA	JDS FITEL INC.	06/24/2000	
		2,230,664	CA	JDS FITEL INC.	07/15/1998	
		2,277,471	CA	LASOR LIMITED	07/16/1998	
		1,277,525	CA	BRITISH TELECOMMUNICATIONS PUBLIC LIMITED COMPANY	12/11/1990	

### Other Prior Art-Non Patent Literature Documents

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), data, page(s), volume-issue number(s), publisher, country, where published, source.	Applicant check here if English language translation attached
Examiner Signature		Date Considered	

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw a line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that Issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.1<sup>6</sup> if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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